



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

RICHARD W. ARNOLD ET AL.

Serial No. 09/164,580 (ti-22561)

Filed October 1, 1998

For: KNOWN GGOD DIE USING EXISTING PROCESS INFRASTRUCTURE

Art Unit 2827

Examiner James M. Mitchell

Customer No. 23494

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7-11-05
Jav M. Cantor, Reg. No. 19,906

REPLY BRIEF

It is believed that this appeal should be handled on a special basis with dispatch as required by 37 C.F.R. § 1.607(b) since a potential interference is involved.

It is initially noted that the divisional application for claims 17 to 21, referred to under STATUS OF CLAIMS, is now Patent No. 6,720,574.

The Examiner's Answer states under "Issues" that an issue, labeled as 2) is "whether an interference should have been provoked pursuant to 37 C.F.R. 1.606, which relates to petitionable subject matter under 37 C.F.R. 1.181 and not to appealable subject matter. See MPEP § 1002 and § 120". In reply, it is respectfully submitted that a Petition was filed in the subject application on July 29, 2002, a copy of which is attached hereto along with the PTO mailroom date stamp and the PAIR "transaction history" for the subject application. It

will be noted that the Petition is not listed for reasons known only to the PTO. In addition, the copied claims were rejected under section 102, this being an appealable and not a petitionable matter.

With reference to the Response to Argument as to the rejection of claims 9, 10, 13 and 14 as being anticipated by Knight et al. (U.S. 6,728,113) under 35 U.S.C. 102(e), the examiner now refers to Spielberger et al. (U.S. 6,005,778). No such reference appears to be of record previously in this application. Even if it were of record, the addition of Spielberger et al. would amount to a new ground of rejection under section 103 and therefore not a part of this appeal. Clearly, as required for a section 102 rejection, the subject matter claimed in claims 9, 10, 13 and 14 is not present within the four corners of Knight et al. as impliedly admitted by the examiner by the addition of Spielberger et al.

With further reference to the Response to Argument, even improperly considering Spielberger et al., claim 9 requires that “the. second spaced apart region of each path having a compliant bump [have] a height greater than all other structures on the layer”. No such feature is taught by Knight et al. As previously stated, the examiner alleges that compliant bumps are shown in Knight et al. at column 20, lines 22 to 28. This is clearly not the case. The section of Knight et al. referred to discusses conductive connections which are not numbered and it is not clear what these are from the specification or drawing. Furthermore, the terminals 71, 72 and 73, even be they compliant, do not provide the function of the compliant bumps of the subject invention and do not read on the claims as required by section 102. Terminals 71, 72 and 73 do not have a greater height than “other structures on the layer” as required by claim 9 but rather are not on a substrate with other structures and are not higher than other structures on any layer

relative to the layer. Accordingly, for this reason alone, there is no basis to ascribe the structure and function to these unnumbered elements which also are possibly not shown in the figures. More importantly, there are no compliant bumps shown in Knight et al. even assuming that compliant contacts appear somewhere in Knight et al. Still further, there are no compliant bumps in Knight et al. which have a height greater than all other structures on the layer, as claimed.

As previously stated, claim 9 further requires a standoff disposed on the layer and having a height above the layer and less than the bump. No such structure is taught by Knight et al. The examiner alleges that “'spacers', not shown , Col. 16, Lines 59-60” correspond to the standoffs. There is no basis whatsoever for this allegation and there is nothing in the cited section of Knight et al. to in any way suggest that there is a disclosure of a standoff disposed on the layer and having a height above the layer and less than the bump. In fact, there isn't even a correlation in Knight et al. between what the examiner alleges is the bump of Knight et al. and what the examiner alleges is the standoff of Knight et al., let alone that correlation as set forth in the claim. The examiner states that applicant must provide a basis for stating that a spacer is not a standoff. This statement places the cart before the horse. It is the duty of the examiner to provide a prima facie case of anticipation and, in this regard, it is incumbent upon him to show equivalence, if any. This has not been done. Furthermore, a spacer can be anything that provides a space between two elements and is not necessarily and rarely a standoff. Webster's New Collegiate Dictionary defines the term as “To place at intervals, to arrange with spaces between”. (copy attached). It follows that a spacer is not a standoff unless expressly so stated or shown to perform that function, neither of which is the case herein.

It is again noted that the rejection is based upon section 102 of 35 U.S.C. and it is therefore incumbent that the claims be directly readable on Knight et al. The case does not appear to be even close.

With reference to the rejection based upon Potter, as previously stated, claims 22 to 31 were copied from Potter (U.S. 6,028,437) for purposes of interference. On November 6, 2001, an amendment was filed (Number 11 in PAIR) along with a Declaration of the undersigned with an attachment of papers dated prior to the filing date of Potter, but with dates redacted and a Supplement to Amendment was filed November 15, 2001 (number 12 in PAIR) with the same attachments to a Declaration Under 37 C.F.R. 1.131 by the appellants herein swearing back of the filing date of Potter. It followed that the examiner should have acted in a manner as dictated by the Rules and specifically 37 C.F.R. § 1.607(b).

The examiner states that a declaration under 37 C.F.R. §1.131 cannot be used when claims are copied for purposes of provoking an interference. This is only true in part. The fact is that the declaration provides at least a rebuttable prima facie case that applicants had in their possession the invention of Potter prior to the filing date of Potter. Accordingly, when the claims of Potter were copied, an interference should have been declared in view of the dictates of 37 C.F.R. § 1.607(b) unless the examiner was of the opinion that a count could not be made in the subject application which encompassed the claimed invention of Potter. This was not done.

37 C.F.R. §1.607(a) sets forth the requirements for provoking an interference with a patent. In this regard, (1) the patent has been identified, (2) a proposed count has been presented, (3) at least one claim in the patent has been identified corresponding to the

proposed count, (4) at least one claim in the subject application has been presented which corresponds to the proposed count with explanation, (5)(i) the applicable claims have been applied to the count and (ii) to the subject disclosure. Applicants have complied with section (c) of this section. It follows that all of the requirements of this section have been met by applicants. It also follows that the examiner should have proceeded as required by 37 C.F.R. §1.607 (b) which he did not, despite the filing of a Petition was has still not received a response.

For the reasons stated above as well as in the Brief on Appeal, reversal of the final rejection and allowance of the claims on appeal and/or other appropriate action is requested that justice be done in the premises.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

RICHARD W. ARNOLD ET AL.

Serial No. 09/164,580 (TI-22561)

Filed October 1, 1998

For: KNOWN GOOD DIE USING EXISTING PROCESS INFRASTRUCTURE

Art Unit 2822

Examiner J. Mitchell

Commissioner for Patents
Washington, D. C. 20231

Sir:

PETITION TO COMMISSIONER

Applicants, through their attorney, hereby petition the Commissioner of Patents and Trademarks to enter the amendment filed after final rejection for the reasons stated hereinbelow. No charge is believed to be necessary since the error is that of the examiner. However, should a charge be required, please charge any costs to Deposit Account No. 20-0668.

The facts are that claim 30 was copied from Potter Patent No. 6,028,437 and contained an indefinite antecedent which was noted by the examiner in the alleged final rejection and corrected in an amendment filed after final rejection. This was **the only** amendment requested in the amendment filed after the alleged final rejection. A copy of

the claim as set forth in the amendment filed after final rejection is reproduced as follows:

30. (Amended) An apparatus adaptable for the testing of semiconductor devices comprising:
- a package, wherein said package has a package lid having a lower surface adapted for receiving said semiconductor device, said semiconductor device having an upper surface, and a package base having an upper surface;
 - an interconnecting medium contained within said package, wherein said [probe membrane] interconnecting medium has electrical paths adaptable for coupling to test circuitry, said medium including a medium surface, said medium surface having a plurality of probe tips affixed thereto, a plurality of standoffs affixed thereto, and a lower surface, wherein said probe tips are adaptable for making electrical contact with pads on said semiconductor device and are compliant bump probe tips;
 - a bonding layer comprising an elastomeric material interposed between said package lid lower surface and said semiconductor device upper surface; and
 - a bond layer comprising an elastomeric material interposed between said interconnecting medium lower surface and said package base upper surface, said package base being adapted for receiving said interconnecting medium.

The amendment was refused entry on the ground that it raised the issue of new matter. Clearly, there can be no issue of new matter when the only change was that of correcting an indefinite antecedent as noted by the examiner himself.

In view of the above, entry of the amendment filed after final rejection is requested.

Respectfully submitted,

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Inventor(s): RICHARD W. ARNOLD ET AL.

Serial No: 09/164,580

Filed: October 1998

For: KNOWN GOOD DIE USING EXISTING
PROCESS INFRASTRUCTURE

Docket number: TI-22561

The following has been received in the United States Patent and Trademark Office on the date stamped:

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Date: July 29, 2002

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SUBMIT

09/164,580

KNOWN GOOD DIE USING EXISTING PROCES

Application Data	Transaction History	Image File Wrapper	Continuity Data	Address & Attorney/Agent
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Date	Content
05-05-2005	Mail Examiner's Answer
05-03-2005	Examiner's Answer to Appeal E
09-16-2004	Date Forwarded to Examiner
09-13-2004	Appeal Brief Filed
09-09-2004	Notice of Appeal Filed
09-09-2004	Workflow incoming amendmen
08-16-2004	Case Docketed to Examiner i
08-05-2004	Mail Non-Final Rejection
08-04-2004	Non-Final Rejection
07-08-2004	Examiner Interview Summary F
07-26-2004	IFW TSS Processing by Tech
07-22-2002	Oath or Declaration Filed (Inclu
11-19-2003	Miscellaneous Incoming Lett
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02-24-2003	Non-Final Rejection
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07-22-2002	Appeal Brief Filed
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01-15-2002	Case Docketed to Examiner i
01-15-2002	Case Docketed to Examiner in

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11-15-2001	Oath or Declaration Filed (Inc
12-12-2001	Date Forwarded to Examiner
11-15-2001	Supplemental Response
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02-23-2001	Case Docketed to Examiner i
02-24-1999	Case Docketed to Examiner in
01-07-1999	Application Dispatched from
01-05-1999	Application Is Now Complete
10-27-1998	Notice Mailed--Application In
10-14-1998	IFW Scan & PACR Auto Securi
10-05-1998	Initial Exam Team nn

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THIN PAPER

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sov'er-eign (sōv'ēr-in; sōv'ēr-in; sōv'ēr-in), *adj.* [OF. *soverain*, *soverain*, deriv. of *L. super* above. Modern spelling is due to a supposed connection with *reign*.] 1. Chief or highest; supreme. 2. Supreme in power; superior in position to all others; specif., princely, or entitled to, original and independent authority or jurisdiction; as, a *sovereign* state. 3. Efficacious; effectual, as a remedy. — *Syn.* See *DOMINANT*. — *Fig.* 1. A person, body of men, or state, vested with sovereign authority. 2. A British gold coin worth one pound sterling; — from the effigy of the monarch on the obverse. See *MONETARY TABLES*. — *sov'er-eign-ty*, *n.*

sov'er-eign-ty (sōv'ēr-in-tī; sōv'ēr-in-tī; sōv'ēr-in-tī), *n.*; *pl.* -*ties* (-tīz). 1. Quality or state of being sovereign or a sovereign. 2. Specif.: a The status, dominion, or rule of a sovereign. b Supreme political power or authority.

sov'i-et (sōv'i-ēt; sōv'i-ēt; sōv'yēt; sōv'i-ēt), *n.* [Russ. *soviet*.] 1. A council; specif.: a (*often cap.*) Either one of two governing bodies (*villages sovets*, *town sovets*) consisting of representatives of workmen, soldiers, and peasants, in the Union of Soviet Socialist Republics. A soviet is the supreme local authority and it sends deputies to each of the higher bodies (soviet congresses) having authority over larger units. The highest governmental body of all is the *Supreme Soviet* or *Council*. b Any of various similar socialist bodies elsewhere. 2. (*cap.*) A With the Union of Soviet Socialist Republics. b *pl.* The people, leaders, or armed forces of the U.S.S.R. — *sov'i-et-adj.* — *sov'i-et-dom* (-dōm), *n.*

sov'i-et-ism (sōv'i-ēt-izm; sōv'i-ēt-izm; sōv'yēt-izm; sōv'i-ēt-izm), *n.* The form of government carried on through soviet; communism; Bolshevism. — *sov'i-et-ist* (-ist), *n.* — *sov'i-et-ist-ism* (sōv'i-ēt-ist-izm; sōv'yēt-izm; sōv'i-ēt-izm; sōv'i-ēt-izm), *n.* — *sov'i-et-ist-ism* (-izm), *n.*

sov'ran (sōv'rān), *sov'ran-ty*. *Var.* of *SOVEREIGN*, etc.

sow (sou), *n.* [AS. *suga*.] 1. The adult female of swine. See *SWINE*. 2. *Met.* a A channel leading to mounds in the pig bed. b A mass of metal solidified in such a channel or mold.

sow (sō), *v. t.*; *sowen* (sōd); *sowx* (sōn) or *sowx*; *sow'ing*. [AS. *sōwan*.] 1. To scatter, as seed, upon the earth for growth; to plant by sowing. 2. To scatter seed upon, in, or over, as a field. 3. To spread abroad; disperse; disseminate; also, to implant. — *v. i.* To scatter seed for growth. — *sow'er*, *n.*

so-war' (sō-wār'; -wār'), *n.* [Per. *sawār* horseman.] In India, a native cavalryman; also, a mounted orderly.

sow'hell (sou'hēl), *n.* *Colloq., U.S.* Fat salt pork or bacon.

sow'ing (sou), [From *sow*, *n.*] A wood louse (genus *Oniscus*, and allies) that cannot roll up like the pill bugs. See *WOOD LOUSE*.

sow-car' (sou-kār'). *Var.* of *SOUCAR*.

sow'ens (sō'enz; sō'enz), *n. pl.* [Gael. *sūghan* the liquid of which sowens are made, *fr. sūgh* juice.] *Dial.* Porridge from oat husks.

sowth (sōth), *n.* *Scot.* var. of *SOUGH*.

sow'istle (sou), *n.* Any weed of a genus (*Sonchus*, esp. *S. oleraceus*) of weeds said to be eaten by swine.

sox (sōks), *Var.* of *SOCKS*, *pl.* of *SOCK*.

soy (soi), *n.* [Jap. *shōyū*, *fr. Chin. (Pek.) chiang-yu*.] 1. A Chinese and Japanese sauce for fish, etc., made by subjecting beans (esp. soybeans) to long fermentation and then to long digestion in brine. 2. In full, *soy-bean* (sōi'bēn'). Also *soya* (sōi'yā). An Asiatic legume (*Glycine soja*, syn. *G. max*), or its seed, which yields oil, flour, and meal. The legume is widely grown in China, Japan, and the United States.

so'xin (sō'sin), *n.* [Gr. *soxis* to save.] *Biochem.* Any defensive protein normally in the animal body.

spa (spā; spō), *n.* [From *Spa*, Belgium.] A mineral spring; hence, a resort with mineral springs.

space (spās), *n.* [OF. *espace*, *fr. L. spatium* space.] 1. That which is characterized by extension in all directions, boundlessness, and indefinite divisibility; the subject of determinations of position and direction. 2. *Math.* The aggregate of points, or ordered sets of *n* numbers (*n*, ... *z*). 3. A limited extension in one, two, or three dimensions; a part marked off in some way. 4. Specif., reservation; accommodations, as on a train. 5. An interval between two points of time; duration. 6. Opportunity; chance. 7. *Archaic.* A while. 8. *Advertising.* The page or part of a page of a periodical used for advertising, or the number of space lines so used in a newspaper. *See Slang*. 9. *Music.* A degree, or open place, of the staff. 10. *Print.* A small piece cast lower than the face of the type used to separate words. 11. *Telep.* The interval during which the key is open, or not in contact, in operation. 12. Popularly, the region beyond the earth's atmosphere, esp. that between and beyond the planets and stars. — *v. t.*; *spaced* (spāst); *spac'ing* (spās'ing). To place at intervals; to arrange with spaces between. — *spac'er* (spās'er), *n.*

space charge. *Elec.* The electrons in the space between the filament and the plate in an electron tube.

space-lat'ice, *n.* *Physical Chem.* The geometrical arrangement of the atoms in a crystal, as determined by X-ray analysis.

space-ship (spās'ship'), *n.* An imaginary aircraft of the future for interplanetary travel outside the earth's atmosphere.

space time. The four-dimensional order within which every physical existent may be "located" by specifying its four co-ordinates, three spatial and one temporal; the whole of physical reality, or any prescribed portion, conceived as a four-dimensional array of long-lasting, extended things. — *space-time*, *adj.*

space-time can'tin-u-um. See *FOURTH DIMENSION*.

spa'tial (spā'shūl), *Var.* of *SPATIAL*.

spa'cious (spās'shūs), *adj.* [OF. *spacius*, *fr. L. spatiosus*.] 1. Vast in extent; roomy. 2. Large or magnificent in scale; expansive. — *spa'cious-ly*, *adv.* — *spa'cious-ness*, *n.*

spade (spād), *n.* [AS. *spæda*, *spada*.] 1. A digging implement heavier than a shovel and adapted for being pushed into the ground with the foot. 2. A spade-shaped instrument; as: a A cutting instrument used in fencing. b *Ordn.* A prong on the underside of the trail of a gun carriage to check recoil. — *to call a spade a spade*. To call a thing by its right name, however coarse; to tell plain facts in plain words. — *v. t.* & *i.* To dig, or to pare off, with a spade. — *spade'ful*, *n.* — *spad'er* (spād'er), *n.*

spada, *n.* [Sp. *espada*, *lit.* a sword (Spanish cards bearing the figure of a sword), *fr. L. spada*, *fr. Gr. spada*.] a A black, somewhat spadelike figure on playing cards of one suit. b A card of this suit, or, usually *pl.*, the suit.

spade'fish' (-fish'), *n.*; see *FISH*. a A deep-bodied spiny-finned food

fish (*Chaetodipterus faber*) found on the coasts from Cape Cod to Cuba. b The paddlefish.

spa'di'ceous (spād-i'sh'ūs), *adj.* [L. *spadix*, *-icis*, a date-brown nut-brown color. See *SPADIX*.] 1. Of a bright, clear, brown or chestnut color. 2. *Bot.* Bearing flowers on, or of the nature of, a spadix.

spa'dix (spād-i'ks), *n.*; *pl.* SPADICES (spād-i'sēz). [L. a palm tree broken off with its fruit, *fr. Gr. spadix*.] *Bot.* A spike with a fleshy or succulent axis, usually enclosed in a spathe.

spas (spā), *v. i.* [ON. *spā*.] Chiefly *Scot.* To foretell.

spa'ghet'ti (spā-gēt'tī), *n.* [It. *pl. of spaghetti*, dim. of *spago* cord.] A food paste resembling macaroni, but made in cords of small diameter, but larger than vermicelli, and solid (not tubular as in macaroni).

spa-gyr'ic (spā-jī'ik), *spa-gyr'ic-al* (-i-kāl), *adj.* Also *spa-gyr'ic*. [ML. *spagyricus*, *fr. Gr. spagō* to draw, separate + *aggrein* to assemble.] *Alchemical.*

spa'hl, *spa'hee* (spā'hē), *n.* [Turk. & Pers. *spāht*.] See *SERPENT*. 1. Formerly, one of a corps of Turkish cavalry. 2. One of a corps of Algerian native cavalry in the French army.

spake (spāk), *Archaic* past tense of *SPEAK*.

spale, *spall* (spāl), *n.* *Dial.* A bath; splinter.

spall (spāl), *n.* [ME. *spalle*.] A chip or fragment, esp. of stone or brick. — *v. t.* *Mining.* To break up or reduce by chipping with a hammer. See *HAMMER*, *ILLUSTR.* (8). — *v. i.* To give off spalls; to chip or crumble. — *spal'ing* (spāl'ing), *n.* [fr. *spailpin*.] *Anglo-Ir.* scum; rascal; — often used playfully.

span (spān), *n.* [AS. *spann*.] 1. The space from the end of the thumb to the end of the little finger when extended; in English measure 9 inches (22.86 cm.). 2. Any extent, stretch, reach, or spread, between two limits; specif.: a A limited space of time. b Spread or extent between abutments or supports; also, the portion thus extended. See *BRIDGE*, *ILLUSTR.* c *Aeronautics.* The maximum distance, laterally from tip to tip of an airplane. 3. [D. *cf. G. spanne*.] A pair of horses, mules, or other animals, driven together. — *v. t.*; *spanned* (spānd); *span'ing*. (Partly *fr. SPAN*, *n.*, and partly *fr. AS. spann*.) 1. To measure by the hand with fingers and thumb extended, or encompassing with the fingers; hence, to measure. 2. To extend on each side, or (obs.), encompass; to reach from one side or limit to the other so as to cover or connect.

span (spān), *Archaic* past tense of *SPAN*.

span'drel (spān'drēl; -dril), *n.* [Origin uncertain.] *Arch.* The space between the exterior curve of an arch and the enclosing right angle; or the space between such curves of contiguous arches and a horizontal line above them, or another arch above and enclosing them.

spa-ne'mi-a, *spa-ne'mi-a* (spā-nē'mī-ā), *n.* Also *span'e-my* (spān'e-mī). [NL. *fr. Gr. spanos* scarce, *-emia*.] *Med.* Anemia. — *spa-ne'mic*, *spa-ne'mic* (spā-nē'mik), *adj.*

span'ing (spān'ing), *adv.* *Colloq.* Straight; directly; as, he ran *span'ing* into me.

span'gle (spān'glē), *n.* [Dim. of *AS. spangla* clasp.] A small pin or boss of shining metal; esp., one of such plates studded on a dress sparkling bit. — *v. t.*; *span'gled* (-glēd); *span'gling*. To set sparkle with or as with spangles. — *v. i.* To gleam with or as with spangles; glitter.

Span'ish (spān'ish), *n.* A native or citizen of Spain.

span'ish (spān'ish; *colloq. or dial.* spān'ish), *n.* [OF. *espagnol*, *espagnol*, orig. the same word as *español* Spanish, *fr. L. Hispania* Spain.] 1. Any of numerous breeds of small or medium-sized dogs, usually with long hair and large drooping ears. Spaniels are divided into three main classes: (1) *field spaniels*, adapted for hunting and game, including the *springer spaniel*, and the smaller *cock spaniel* and *clumber spaniel*; (2) *water spaniels*, which are larger and have curly hair; (3) *English toy spaniels*, which are the smallest and have smooth hair. 2. A cringing, servile, fawning person.

Spanish (spān'ish), *adj.* Of or pertaining to Spain, the Spaniards, their language. — *n.* 1. The chief language of Spain and of countries colonized by Spaniards, esp. the Spanish American countries. (Cf. *SPANISH LANGUAGES*, *Table*.) 2. The people of Spain, collectively; the Spaniards.

Spanish American, *adj.* a Designating, or pert. to, those countries of America in which Spanish is the national language. See *SPANISH AMERICA*, in *Gaz.* b In this use *Span'ish-American*, *adj.* Designating, or pertaining to, the war between Spain and the United States in 1898. — *n.* A native or citizen of a Spanish American country, or one of Spanish descent.

Spanish bayonet. Any of several yuccas, esp. one species (*Yucca aloefolia*) with rigid spine-tipped leaves.

Spanish fly. See *BISTERT BEETLE*.

Spanish influenza. The influenza.

Spanish Main. The mainland of Spanish America, esp. the north coast of South America; improperly, the southern portion, or the west coast of the Caribbean Sea.

Spanish moss. The long moss.

Spanish needles. The barbed achenes of a common begonia (*Bidens bipinnata*); also, the plant itself.

Spanish onion. Any of several varieties of large-bulbed, mild-flavored onions; — in the United States, originally applied only to imported stock but now used more broadly.

Spanish paprika. A mild bright-red pepper (*Capiscum tetragynum*) of Spanish origin; also, the plant.

spank (spāngk), *v. i.* [From *SPARKING*, *adj.*] To move quickly, dashingly, or spiritually.

spank, v. t. [Imitative.] To strike, or to strike the buttocks of, with the open hand. — *n.* A spanking; a slap, esp. on the buttocks. — *spank'er* (spāngk'er), *n.* 1. One who or that which spans. 2. *Naut.* A fore-and-aft sail on the aftermast of a square-rigged vessel. See *SAIL*, *ILLUSTR.* b The aftermast and the sail thereon of a schooner of more than four masts.

spank'ing, *adj.* [Prob. of Scand. origin.] 1. That spans, or is dashingly, lively; esp., of a wind, fresh; strong. 2. *Slang.* Remaining of its kind.

